

STAND. COM. REP. NO.

2292

Honolulu, Hawaii

FEB 12 2014

RE: S.B. No. 3097
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

Your Committees on Water and Land and Judiciary and Labor, to which was referred S.B. No. 3097 entitled:

"A BILL FOR AN ACT RELATING TO CIVIL PENALTIES ON HISTORIC PRESERVATION, "

beg leave to report as follows:

The purpose and intent of this measure is to allow a prevailing private party plaintiff seeking injunctive relief against a defendant for any violation of the historic preservation laws or administrative rules adopted pursuant to those laws to recover reasonable attorney's fees and litigation costs from the defendant, including the state and counties.

Your Committees received testimony in support of this measure from the Historic Hawai'i Foundation. Your Committees received testimony in opposition to this measure from the Department of Land and Natural Resources.

Your Committees find that in cases where the State does not enforce historic preservation laws, it falls to private parties to seek protection for historic and cultural resources and redress for any injury inflicted on them. The appropriate method to address these violations and injuries is through the courts; however, bringing a claim, restraining order, or petition for injunctive relief can be very costly. Attorney's fees and litigation costs serve as a barrier to access the courts and so become a hindrance in seeking justice. This measure addresses this issue by providing a mechanism by which successful plaintiffs

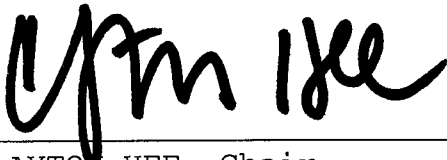


may recover fees and costs when seeking to ensure that historic preservation laws are followed.

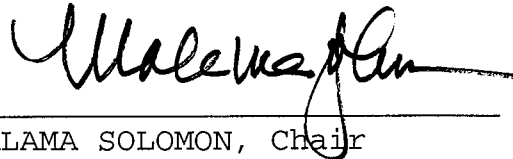
Your Committees have amended this measure by inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the records of votes of the members of your Committees on Water and Land and Judiciary and Labor that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3097, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3097, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committees on Water and Land
and Judiciary and Labor,



CLAYTON HEE, Chair



MALAMA SOLOMON, Chair

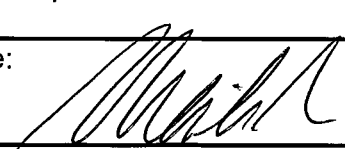


Record of Votes
Committee on Water and Land
WTL

*Only one measure per Record of Votes

The Senate
Twenty-Seventh Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB 3097</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">WTL / JDL, WAM</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">2/7/14</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
GABBARD, Mike				✓
GALUTERIA, Brickwood				✓
IHARA, Jr., Les	✓			
SOLOMON, Malama	✓			
SLOM, Sam	✓			
TOTAL	5			2
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; margin-top: 10px;">  </div>				
<div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div>Distribution:</div> <div>Original</div> <div>Yellow</div> <div>Pink</div> <div>Goldenrod</div> </div> <div style="display: flex; justify-content: space-between; font-size: 0.8em; margin-top: 5px;"> <div>File with Committee Report</div> <div>Clerk's Office</div> <div>Drafting Agency</div> <div>Committee File Copy</div> </div>				

*Only one measure per Record of Votes